

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2123 - HB 2418

February 11, 2022

SUMMARY OF BILL: Authorizes the will of a deceased person to be admitted to probate for the purpose of serving as a muniment of title to real or personal property upon the filing of a petition by one or more of the personal representatives named in the will. Requires the court clerk to mail a copy of the petition to each beneficiary upon receiving the filing.

Requires the net proceeds from a sale of any item of real or personal property of the decedent that occurred within 12 months of the decedent's death to be deposited with the clerk of the relevant probate court. Requires, in cases in which items of real or personal property are sold more than 12 months from the date of the decedent's death, the net proceeds to be distributed to the owner(s) of the property pursuant to the will of the decedent.

FISCAL IMPACT:

Increase Local Expenditures – \$1,103,600/FY22-23 and Subsequent Years*

Assumptions:

- Based on information provided by the Courts Clerks Association, the proposed legislation cannot be accommodated by local courts within existing resources, and will increase expenditures for paper, postage, copier leases, and other administrative supplies.
- Based on estimates provided from various counties, the average increase in expenditures to each county is estimated to be \$11,617.
- The total recurring mandatory increase in local expenditures to local courts is estimated to be \$1,103,615 (\$11,617 x 95 counties) in FY22-23 and subsequent years.
- According to the Administrative Office of the Courts, any fiscal impact to state courts is estimated to be not significant.
- Any impacts from the changes to probate procedures or the sale of real or personal property will be borne by private parties.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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